

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MAY 29 2009

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

TORREY D. BAKER,

Plaintiff,

vs.

OZZIE D. KNEZOVICH, CPT.
BRADY and DEPUTY PROSECUTING
ATTORNEY GAYLE ERRIN,

Defendants.

NO. CV-08-350-JPH

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
COMPLAINT

1915 (g)

Magistrate Judge Hutton filed a Report and Recommendation on March 24, 2009, recommending Mr. Baker's complaint be dismissed for failure to state a claim upon which relief may be granted. A copy of the Report and Recommendation sent to Mr. Baker at the Spokane County Jail was returned with the notation, "not in jail." Plaintiff has not kept the court apprised of a current address and he has filed nothing further in this action. There being no objections, the court **ADOPTS** the Report and Recommendation.

Therefore, **IT IS ORDERED** the Complaint is **DISMISSED WITH PREJUDICE** for failure to state a claim upon which relief may be granted. 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

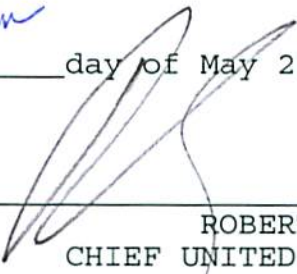
Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are

ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING COMPLAINT -- 1

1 dismissed as frivolous or for failure to state a claim will be
2 precluded from bringing any other civil action or appeal *in forma*
3 *pauperis* "unless the prisoner is under imminent danger of serious
4 physical injury." 28 U.S.C. § 1915(g). Plaintiff is advised to read
5 the new statutory provisions under 28 U.S.C. § 1915. This dismissal
6 of Plaintiff's complaint may count as one of the three dismissals
7 allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to
8 file future claims.

9 IT IS SO ORDERED. The District Court Executive is directed to
10 enter this Order, forward a copy to Plaintiff at his last known
11 address, enter judgment, and close the file. The District Court
12 Executive is further directed to forward a copy of this Order to the
13 Office of the Attorney General of Washington, Criminal Justice
14 Division.

15 DATED this 29th day of May 2009.

16
17
18 
19 _____
20 ROBERT H. WHALEY
21 CHIEF UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27